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15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE DIVISION

18	THE BILLING RESOURCE d/b/a INTEGRETAL,	)	Nos. 5:07-CIV-5758-JW,
19		)	5:07-CIV-6210-JW,
20	Debtor-Plaintiff-Appellee,	)	08-CIV-341-JW, and
21		)	08-CIV-1637-JF
22	v.	)	Date: June 16, 2008
23	FEDERAL TRADE COMMISSION et al.,	)	Time: 9:00 a.m.
24	Defendant-Appellant.	)	Place: 280 S. First Street
		)	San Jose, CA
		)	Judge: Hon. James Ware
		)	Courtroom: 8 - 4th Floor

25 On Appeal from the United States Bankruptcy Court for the Northern District  
26 of California, No. 07-52890, Adversary Proceeding No. 07-5156 (Weissbrodt)

27 **JOINT ADMINISTRATIVE MOTION AND STIPULATION TO CONSOLIDATE AS**  
28 **RELATED APPEAL OF BANKRUPTCY COURT'S MARCH 18, 2008, ORDER**  
**EXTENDING PRELIMINARY INJUNCTION ENJOINING PROSECUTION**  
**OF LAW ENFORCEMENT ACTION AGAINST DEBTOR WITH THE OTHER**  
**APPEALS FROM BANKRUPTCY COURT PENDING BEFORE THIS COURT**

1 Defendant-appellant the Federal Trade Commission (“Commission”), defendant-appellant  
2 David R. Chase P.A., and debtor-plaintiff-appellee The Billing Resource dba Integretel (“Integretel”)  
3 (collectively referred to herein as the “parties”) hereby stipulate and move pursuant to N.D. Cal. Civil  
4 L.R. 3-12 that the Court consolidate as a related case the Commission’s appeal of the bankruptcy  
5 court’s March 18, 2008, order extending the bankruptcy court’s November 7, 2007, preliminary  
6 injunction enjoining the Commission from prosecuting a civil law enforcement action (the  
7 “Enforcement Action”) brought by the Commission against Integretel pending in the United States  
8 District Court for the Southern District of Florida with three other appeals pending before Judge Ware  
9 of this Court at No. 5:07-CIV-5758-JW as described below. In support of this stipulation and motion,  
10 the parties state the following:

13 1. On September 16, 2007, Integretel filed a voluntary petition under Chapter 11 of  
14 Bankruptcy Code, *In re The Billing Resource d/b/a Integretel*, No. 07-52890 (Bankr. N.D. Cal.). On  
15 September 19, 2007, Integretel commenced the adversary proceeding that led to this appeal, *The Billing*  
16 *Resource dba Integretel v. David R. Chase P.A. and the Federal Trade Commission*, No. 07-AP-5156  
17 (Bankr. N.D. Cal.) (the “Adversary Proceeding”). In the Adversary Proceeding, Integretel sought,  
18 pursuant to 28 U.S.C. § 105(a), a preliminary injunction enjoining the Commission from prosecuting  
19 the Enforcement Action against Integretel and from pursuing a contempt proceeding against Integretel  
20 that is ancillary to the Enforcement Action (the “Contempt Proceeding”). The Adversary Proceeding  
21 also sought to enjoin David R. Chase P.A. (the “Receiver”), in his capacity as a Receiver appointed by  
22 the Florida District Court in the Enforcement Action, from pursuing the Contempt Proceeding.

25 2. On November 7, 2007, the bankruptcy court issued a written preliminary injunction  
26 enjoining the Commission from prosecuting the Enforcement Action through March 14, 2008 (the  
27 “November 7 preliminary injunction”). The Commission appealed this injunction and this appeal was  
28

1 docketed with this Court at No. 5:07-CIV-5758-JW. The Receiver did not appeal the November 7  
2 preliminary injunction.

3  
4 3. On November 28, 2007, the bankruptcy court issued a preliminary injunction enjoining  
5 the Commission and the Receiver from pursuing the Contempt Proceeding following a hearing on  
6 November 27, 2007 (the "November 28 preliminary injunction"), which was amended by an order  
7 entered on November 30, 2007. The Commission's appeal of this order also is docketed with this  
8 Court at No. 5:07-CIV-5758-JW.

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10 4. The Receiver's appeal of the November 27 preliminary injunction is docketed at 5:07-  
11 6210-JW. This appeal has been consolidated before Judge Ware with the Commission's two appeals at  
12 No. 5:07-CIV-5758-JW.

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14 5. Also pending before this Court is a motion by the Commission (and joined by the  
15 Receiver), pursuant to 28 U.S.C. § 157, seeking to partially withdraw the reference of the Adversary  
16 Proceeding to the bankruptcy court. This motion is docketed at No. 08-CIV-341-JW.

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18 6. On March 18, 2008, the bankruptcy court issued an order extending the November 7  
19 preliminary injunction through June 12, 2008 ("March 18 extension order"). The Commission's appeal  
20 of this extension order was docketed with this Court at No. 08-CIV-1637-JW.

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22 7. The March 18 extension order is related to the appeals already pending before Judge  
23 Ware of this Court at No. 5:07-CIV-5758-JW since the extension order extends the injunctive relief  
24 originally issued by the bankruptcy court in the November 7 preliminary injunction already on appeal.  
25 As a related matter, the appeal of the extension order should be consolidated for all purposes with the  
26 appeals pending before Judge Ware of this Court at No. 5:07-CIV-5758-JW.

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28 8. Upon consolidation of the appeal of the March 18 extension order docketed with this  
Court at No. 08-CIV-1637-JW with the appeals pending at No. 5:07-CIV-5758-JW or consolidated  
therewith, the parties stipulate that all of these appeals (including the appeal of the March 18 extension

1 order) be briefed pursuant to the scheduling order entered by Judge Ware at Dkt Item 75 in No. 5:07-  
2 CIV-5758-JW.

3  
4 Respectfully submitted,

5 /s/

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<sup>1</sup>Pursuant to General Order No. 45, § X(B), John Andrew Singer hereby attests that signatories's concurrence in the filing of this document has been obtained.



1 The Joint Administrative Motion and Stipulation for Consolidation of Appeals filed by  
2 defendant-appellant the Federal Trade Commission, defendant-appellant David R. Chase P.A., and  
3 debtor-plaintiff-appellee The Billing Resource dba Integretel is hereby GRANTED. Finding that the  
4 appeal of the Commission of a bankruptcy court order entered on March 18, 2008, and docketed in this  
5 Court at No. 08-CIV-1637-JF, is related to prior appeals from the bankruptcy court pending before this  
6 Court at No. 5:07-CIV-5758-JW, the Commission's appeal of the March 18, 2008, bankruptcy court  
7 order is hereby ORDERED that it be consolidated with these prior appeals. It is further ORDERED  
8 that the appeal of the March 18, 2008, bankruptcy court order shall be briefed along with these prior  
9 appeals pursuant to the schedule set out in Dkt Item No. 75 in No. 5:07-CIV-5758-JW.  
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12 So ORDERED on March \_\_\_, 2008.

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15 United States District Judge  
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26 of California, No. 07-52890, Adversary Proceeding No. 07-5156 (Weissbrodt)

27 **CERTIFICATE OF SERVICE**  
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4 I hereby certify that on the 27th day of March, 2008, I served a copy of the Joint Administrative  
5 Motion and Stipulation to Consolidate as Related Appeal of Bankruptcy Court's March 18, 2008,  
6 Order Extending Preliminary Injunction Enjoining Prosecution of Law Enforcement Action Against  
7 Debtor with the Other Appeals from Bankruptcy Court Pending Before this Court concerning these  
8 appeals and the related Proposed Order by the means indicated below:  
9

10 Through the Court's ECF System (Nos. 5:07-CIV-5758-JW, 5:07-CIV-6210-JW, and 08-CIV-  
11 341-JW) and by email (all four matters):  
12

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UNITED STATES TRUSTEE

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/S/

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